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SIPDIS

DEPARTMENT FOR INL/AE (BONE), EUR/SCE (BRANDON)
DOJ FOR OPDAT & ICITAP (JONES, ALEXANDRE, DELCORE)
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TAGS: [SNAR](#) [KCRM](#) [KJUS](#) [EAID](#) [ASEC](#) [PGOV](#) [BU](#)
SUBJECT: FY 2006 PROPOSALS FOR INL-MANAGED SEED FUNDED
LAW ENFORCEMENT AND CRIMINAL JUSTICE DEVELOPMENT PROJECTS
FOR BULGARIA

REF: STATE 183148 SOFIA 766

1. SUMMARY: Post herein submits proposals to continue four INL-managed projects using FY 2006 funding: Resident Legal Advisor (RLA); Forensics Laboratories Project; the Criminal Law Liaison (CLL); and Embassy Rule of Law Assistant. Post also proposes transforming the Regional Criminal Justice Initiative (RCJI) to the National Criminal Justice Training Initiative (NCJTI), which will support training initiatives at the Bulgarian Police Academy. Opportunities may also arise to work with a new Prosecutor General, to be appointed in February 2006. All projects will focus on reforming Bulgarian criminal justice institutions and strengthening its law enforcement capabilities. The total amount of FY 2006 SEED funding allocated by Post to INL-managed projects is USD 2,366,000. As FY06 will be the last year of SEED funding for Post's criminal justice assistance, the projects will place particular emphasis on building legacies and leaving self-sustaining criminal justice institutions. END SUMMARY.

2. Like many countries in the region, Bulgaria suffers from substantial organized crime and corruption, which law enforcement and judicial institutions have been unable to counter effectively. Weaknesses in Bulgaria's criminal justice institutions represent a grave threat to its future democratic development and successful entry into the EU, scheduled for 2007. Reform of Bulgaria's judicial system and modernization of its criminal justice institutions therefore constitute post's most urgent assistance priority. In our opinion, Bulgaria will require additional criminal justice assistance after expiration of SEED funding, and our continued support will serve important US interests. Bulgarian criminal activity already has a direct and increasing impact on the United States, which is unlikely to abate after Bulgaria's entry into the EU. RefTel Sofia 766. Post therefore renews the request, originally made in Sofia 766, for funding to continue criminal justice assistance to Bulgaria after expiration of SEED funding.

PRIORITY 1 OF 5 - RESIDENT LEGAL ADVISOR (RLA): USD
885,000

3. Goal(s): Government of Bulgaria (GoB) establishes a self-sustaining anti-human trafficking regime; GoB manifests long-term capacity to apply criminal justice reform legislation; Prosecutor General takes significant steps toward reform of prosecutorial function; United States rule of law and law enforcement assistance activities leave self-sustaining justice-sector institutions in place when SEED funding expires.

4. Background: The DOJ/OPDAT Resident Legal Advisor (RLA) stands at the center point of Post's strategy of strengthening the rule of law in Bulgaria. The RLA serves as Post's coordinator for USG rule of law and law enforcement assistance activities. In that capacity, the RLA chairs Post's Rule of Law and Law Enforcement Task Force and provides extensive guidance and oversight to Post's INL criminal justice portfolio. The RLA also administers a program of criminal justice assistance, focused on combating human trafficking and other forms of organized and transnational crime; and on development and implementation of criminal justice reform legislation. In FY06, the RLA will also develop training modules on application of Bulgarian intellectual property law for police and prosecutors. In addition, a new Prosecutor General will be appointed in FY06, presenting a window of opportunity to work for reform of the prosecutorial function in Bulgaria.

5. Project Description:
Rule of Law Coordinator -- The RLA will continue to serve as overall Embassy coordinator for rule of law and law enforcement assistance activities carried out under the Embassy's banner, and will serve as in-country Project Manager for the RCJI/NCJTI, Priority Project 3.

Combating Trafficking in Persons -- The RLA will provide technical assistance to the National Anti-Trafficking Commission. The RLA will also provide training to justice sector personnel on investigation and prosecution of human trafficking cases, with an emphasis upon using money laundering and asset forfeiture statutes to dismantle human trafficking organizations; and on identification of and assistance to victims of human trafficking. The RLA will continue to empower a core of selected Bulgarians to be the country's primary anti-trafficking trainers; and will continue to serve as coordinator of an international donors human trafficking working group.

Development and Implementation of Criminal Justice Reform Legislation -- The RLA will continue to assist the GOB in the drafting, passage and implementation of criminal law reform legislation. Such assistance seems likely to include support for development of legislation addressing specialized investigative techniques (SITs) and reform of the penal code; and implementation of new witness protection, probation, and victims' protection legislation, and the new criminal procedure code. Intellectual Property -- In collaboration with the Federal Law Enforcement Training Center (FLETC) and other sections at Post, the RLA will develop training modules on investigation and prosecution of intellectual property cases.

Prosecutorial Function: The RLA will provide technical assistance as needed, to a new Prosecutor General, who will take office in the second quarter of FY06. The nature of such assistance may be governed, in part, by the results of the findings of the ABA/CEELI Prosecutorial Function Reform Index, discussed in paragraph 27. Assistance may also include additional training for prosecutors in light of such factors as institutional changes to the Prosecutorial General's office and the new responsibilities of prosecutors under the new criminal procedure code, as supervisors of the investigation.

16. Timeline: The RLA project will continue until the expiration of SEED funding, expected on or around September 30, 2007.

17. Sustainability: Successful completion of the project should result in more robust and sustainable justice sector institutions in Bulgaria. One of the RLA's principal tasks will be to assure that all SEED-funded rule of law and law enforcement activities concentrate upon leaving sustainable justice sector institutions upon expiration of SEED funding. Further, by the end of the project, the National Trafficking Commission, and the local commissions it establishes, should be a major vehicle for a comprehensive assault on human trafficking. The Bulgarian trainers utilized in OPDAT trainings should be in a position to carry the responsibility of training fellow Bulgarians on the investigation and prosecution of human trafficking cases, and on inter-acting with the local anti-trafficking commissions and NGOs in providing assistance to trafficking victims. Current increases in the number of human trafficking cases coming to trial and resulting in convictions should continue, with some traffickers convicted on money laundering charges. By the end of the project, Bulgaria should also be implementing a wide variety of new criminal justice legislation developed with SEED assistance.

18. Performance indicators:

Combating Human Trafficking:

-- Bulgarian prosecutors return indictments in at least three trafficking cases.

-- The National and local Anti-Trafficking Commissions develop mechanisms and structures for providing assistance to victims of trafficking.

Criminal law reform legislation:

-- Revised criminal procedure code implemented.

-- Revised SITs legislation drafted and entered on path toward enactment.

Prosecutorial Function:

-- Prosecutor General implements at least one recommendation of CEELI Prosecutorial Function Reform Index.

19. Evaluation: The RLA will submit weekly activity reports and quarterly progress reports to OPDAT HQ, INL and the Embassy. In addition, at the completion of the project, the RLA will submit an end-of-mission report to the GOB which includes recommendations for sustainability of all SEED funded rule of law and law enforcement

assistance projects.

PRIORITY 2 OF 5 - FORENSICS LABORATORIES: 550,000 USD

110. Goal(s): Upgrade capabilities to analyze potential evidence at the Research Institute for Forensic Science and Criminology (RIFSC) in Sofia, and the Basic Forensics Laboratories (BFL) and Regional Forensics Laboratories (RFL) throughout the country; RIFSC accredited by European Network for Forensic Science Institutes (ENFSI) and licensed to meet International Standardization Organization (ISO) 9000 standards (a series of five standards for developing a total quality management system, developed by the International Organization for Standardization based in Geneva, Switzerland).

111. Background: Since 1st quarter FY03, the Forensics Laboratories project has focused on upgrading the ability of forensic laboratories to analyze potential evidence, especially in cases involving counterfeiting, narcotics, cyber crime and missing persons. Through the project's activities, Bulgarian law enforcement is already able to better investigate complex crimes and provide evidence needed to successfully prosecute complex and serious crimes. The project has always sought to complement other USG rule-of-law activities, particularly the RCJI and the Criminal Law Liaison Program (priorities 3 and 4).

112. Project Description: A TDY contractor, provided by DOJ/ICTAP, in close collaboration with the Director of the RIFSC, will manage the upgrading of equipment at the RIFSC and its satellite labs throughout the country. The contractor will coordinate required training for the new equipment and update procedures and processes. The project will work with the RIFSC to achieve full ENFSI accreditation and licensing to meet ISO 9000 standards. The project will continue to collaborate and complement the work of the RCJI/NCJTI and Criminal Law Liaison program activities. Specific activities include:

-- Installation of hardware and software to support an operational Laboratory Information Management System (LIMS) system at RIFSC.

-- Training of BFL and RFL personnel to be self-sufficient in analyzing potential evidence instead of sending such evidence to the RIFSC.

-- Attendance by RIFSC representatives at international forensic information sharing and workshop conferences and annual European Network for Forensic Science Institutes (ENFSI) conference.

113. Timeline: Project activities will be carried out throughout FY 2006, with end results expected in FY 2007.

114. Sustainability: Full accreditation of the RIFSC by the ENFSI will help ensure sustainability through regular assessments and the enforcement of strict guidelines. The automated evidence-tracking LIMS system will provide a capability of linking all BFLs and RFLs into a nation-wide LIMS. The practice of replacing 2/3-year old equipment at RIFSC and sending it to upgrade BFLs or RFL will lead to enhanced regional forensic capacities.

115. Performance indicators:

-- RIFSC accredited by the European Network for Forensics Science Institutes (ENFSI) and licensed to meet the International Standardization Organization (ISO) 9000 standards.

-- Reduction in the analysis time of potential evidence at the RIFSC and in satellite labs.

-- Upgraded equipment transferred by the RIFSC to an appropriate BFL or RFL and BFL/RFL personnel trained to be self-sufficient in analyzing potential evidence

-- Fully operational Laboratory Information Management System at RIFSC accommodating an automated evidence tracking system.

-- Further upgrades of RFLs to BFL status.

116. Evaluation: Submission of monthly to bi-monthly activity reports and quarterly progress reports by the technical advisor to ICITAP HQ, INL and the Embassy.

PRIORITY PROJECT 3 OF 5 - NATIONAL CRIMINAL JUSTICE
TRAINING INITIATIVE (NCJTI), AS SUCCESSOR TO REGIONAL
CRIMINAL JUSTICE INITIATIVE (RCJI): 551,000 USD

¶17. Goal: Nationalize and institutionalize successful RCJI police training initiatives at the Bulgarian Police Academy, and provide additional technical assistance to the Academy.

¶18. Background: Beginning in 4th quarter FY03, the RCJI worked at the local level, seeking to: 1) encourage institutional cooperation in the investigation and prosecution of cases; 2) improve case management procedures; and, more generally, 3) generate "bottom up" criminal justice reform. The program assigned an experienced American prosecutor (provided by ABA/CEELI) and an experienced American investigator (provided by DOJ/ICITAP), to work with local counterparts. It began work in the pilot jurisdiction of Blagoevgrad. The program shifted operations to Plovdiv in FY05, while keeping contact with Blagoevgrad authorities. The RCJI will continue to work in these areas in FY06, using FY05 funding.

¶19. The RCJI also developed or is the process of developing several important police training initiatives. These include:

- basic investigative skills for police investigators;
- arson investigation; and
- precinct and crisis management (at the request of the Bulgarian Ministry of Interior).

The RCJI will offer trainings in these areas in the RCJI jurisdiction in FY06, using FY05 funding, in collaboration with the Bulgarian Police Academy.

In the last year of SEED funding, the NCJTI seeks to capitalize upon these training initiatives by nationalizing them and incorporating them into the curriculum of the Police Academy, and by further strengthening the Academy's curriculum.

¶20. Project Description: Based on lessons learned in the training initiatives in the areas enumerated in paragraph 19 -- basic investigative skills for police investigators; arson investigation; and precinct and crisis management -- the project will institutionalize such training on a national basis through incorporation into the curriculum of the Police Academy. The project will also provide additional technical assistance to the Police Academy, as needed. The project will place particular emphasis upon expanding the scope of in-service training available at the Academy, including offering travel grants so that officers may come to Sofia for training, and selected in-service training in regional locations. In addition, the project will seek to develop a more practical, problem-solving approach to Police Academy training in selected additional areas, and to incorporate the perspective of the public prosecutor, the supervisor of the investigation under the new Bulgarian Criminal Procedure Code, into the Academy's curriculum. The project will be administered through a full-time, in-country DoJ/ICITAP police technical advisor, supported by additional international experts as appropriate.

21: Timeline: The RCJI will complete its activities, using FY05 funding, on or about September 30, 2006. NCJTI activities should be completed with the expiration of FY06 funding, on or about September 30, 2007.

¶22. Sustainability: All NCJTI training programs will have a "train-the-trainers" component to support sustainability, and will be integrated into the permanent curriculum of the Police Academy. In addition, the NCJTI will collaborate with an EU Phare twinning project whose purposes include improving the methodology and practice for conducting police investigations, which should provide additional external support to secure sustainability of NCJTI training initiatives.

¶23. Performance Indicators:

-- Bulgarian Ministry of Interior (MoI) and Police Academy incorporate academy-tested Basic Criminal Investigation Course into national curriculum.

-- Bulgarian MoI and Police Academy incorporate academy-tested Arson investigative course into its national training curriculum.

-- Up-to-date, pragmatic curriculum combined with adult learning methodologies in at least two additional areas implemented at the Bulgarian Police Academy.

¶24. Evaluation: Submission of bi-weekly activity reports and quarterly progress reports by the ICITAP technical advisor to ICITAP HQ, INL and the Embassy. Further, the NCJTI will use a variety of instruments to evaluate the effectiveness of trainings -- immediately after the

training and approximately six months later. In addition, the RLA will act as in-country evaluator of the NCJTI program.

PRIORITY PROJECT 4 OF 5 - CRIMINAL LAW LIAISON (CLL):
USD \$340,000

125. Goal(s): Increase the capacity of the Bulgarian government to combat cyber crime; increase justice sector institutions' capacity to provide victim protection and compensation in accordance with Bulgarian law.

126. Background: Since 1998, the Sofia office of the Central European and Eurasian Law Initiative (CEELI), a public service project of the American Bar Association (ABA), has supported criminal justice reform in Bulgaria. Presently, CEELI is the only international donor organization working to improve Bulgaria's capacity to investigate and prosecute cyber crime. Its Criminal Law Liaison (CLL) program has played a key role in several of the major criminal justice reform initiatives in Bulgaria: it was involved in the early effort to build a stronger legislative infrastructure to combat financial crime, helping to establish Bulgaria's Financial Intelligence Unit and to develop Bulgaria's present money laundering statute, "Measures Against Money Laundering Act." CEELI assisted the OPDAT RLA in establishing the inter-agency anti-trafficking working group which subsequently constructed one of the strongest legislative frameworks in the Balkans for combating human trafficking.

127. CEELI also worked with two separate Bulgarian prosecutors' associations to gain approval for the first Bulgarian Prosecutorial Ethics Code, which is presently in force and binding on all prosecutors. CEELI's work on legal ethics led to the inclusion of ethics in coursework at law faculties. CEELI published ethics codes and commentaries for judges, prosecutors, investigators and police, and there is currently a prosecutor in each of Bulgaria's 28 districts who serves as an ethics 'consultant' as a result of CEELI's work. Further, at the request of Embassy Sofia, CEELI is presently using FY05 funding to develop a Prosecutorial Reform Index similar to the indices that it has developed for the judicial function and the legal profession. This publication will provide international benchmarks to assess the prosecutorial function in Bulgaria and identify potential areas for future reform.

128. CEELI's assistance to the GoB on cyber crime has led to several successful enforcement actions. Additionally, CEELI facilitated the donation of EnCase software licenses to trace suspicious or illegal e-mail messages to their source. The Institute for Computer Technologies (ICT) is now fully equipped and trained, and capable of using this software during cyber crime investigations. Currently, CEELI is preparing trainings for law enforcement personnel on routine cyber crime forensic work to prevent delays in investigations.

CEELI assistance was instrumental in the creation of a cyber crime unit within the Bulgarian MoI and in development of a cyber crime manual that will soon be published. Further, CEELI assisted in the development of new Bulgarian cyber crime legislation through the involvement of computer experts from the international and national private sector, probably the first example of such public-private collaboration on legislative drafting in Bulgaria.

129. Project Description: The project will fund a Criminal Law Liaison, an experienced American prosecutor, and two Bulgarian staff attorneys to promote criminal law and criminal procedure reform. The project will coordinate its activities closely with the OPDAT RLA. The project will work in the area of cyber crime, computer-based intellectual property violations, and implementation of Bulgaria's new victims' assistance law.

Cyber Crime - The project will concentrate upon improving the capacity of the Bulgarian government to detect, investigate, prosecute and prevent cyber crime by: supporting trainings based on the cyber crime manual developed with CEELI assistance that will set forth streamlined guidelines for cyber crime investigation and prosecution; providing trainings for law enforcement personnel on cyber crime forensic work; developing anti-phishing sites and phishing reporting mechanisms ((phishing is the use of e-mails to procure an individual's financial information for purposes of fraud and identity theft; promoting continuing cooperation between the public and the private sector in combating cyber crime via working groups and assistance on specific issues of mutual interest; and promoting the inclusion of

cyber crime coursework in law faculty curricula.

Computer-based intellectual property -- The project will also collaborate with the OPDAT RLA in improving the capacity of the Bulgarian government to investigate computer-based intellectual property violations by sponsoring trainings on investigating and prosecuting computer-based intellectual property violations; and promoting continuing cooperation between public and private sector in the area of computer-based intellectual property violations.

Victims' Assistance Law -- The project will assist in the implementation of the Bulgarian law on victim protection and compensation, including: assistance in the creation and development of a centralized victim protection unit and a victim compensation fund; provision of training on protection and compensation; and assistance in drafting of secondary protection and compensation legislation.

130. Timeline: The CLL project will continue until expiration of SEED funding, expected on or around September 30, 2007.

131. Sustainability: The streamlined cyber crime investigation and prosecution guidelines for all law enforcement units should become part of the internal operating rules and regulations of the law enforcement units charged with cyber crime enforcement authority. The training component of this project is designed to replicate itself by teaching criminal justice sector personnel how to train their own ranks, and by requiring that participants do so as part of their involvement in the project.

132. Performance Indicators:

-- Inclusion of cyber crime courses in the curriculum of at least one Bulgarian law faculty.

-- Law enforcement and the Prosecution Service develop and implement cyber crime investigation and prosecution guidelines.

-- Law enforcement agencies and the Prosecution Service include cyber crime investigation and prosecution guidelines in internal rules and regulations.

-- 10 % increase in detection, investigation and prosecution of cyber crimes and intellectual property violations over 2005/2006 baseline.

--At least 1 anti-phishing Web site is developed and implemented.

--At least 2 law enforcement personnel in each of the 28 Bulgarian judicial districts are trained on forensic cyber crime investigative techniques.

-- Quarterly meetings of the cyber crime working group that spans the public and private sectors.

133. Evaluation: The CLL will submit monthly activity reports to CEELI HQ, INL and the Embassy.

PRIORITY PROJECT 5 OF 5 - EMBASSY RULE OF LAW ASSISTANT:
USD 40,000

134. The Embassy Rule of Law Assistant position began early in FY04. Since that time, the incumbent has proven essential to the Embassy's rule of law mission through provision of written and oral analyses of rule of law and legal issues in Bulgaria for Embassy officials. The incumbent has been a major drafter of cables on key rule of law subjects, such as human trafficking, organized crime, human rights, and treatment of minorities in Bulgaria. The Rule of Law Assistant has developed extensive contacts with the NGO and international donor communities, and has served as an important link between the Embassy and Bulgarian justice-sector officials. The incumbent will continue to execute these functions using FY06 funding.

SUMMARY OF PROJECTS

135. Total funding for the five projects for FY 2006 is USD 2,366,000 in country SEED funds.

PROJECT	FY 2006 FUNDING	FUNDING TO DATE
-- RLA	USD 885,000	USD 3,388,629
-- Forensics	USD 550,000	USD 1,486,200
-- RCJI/NCJTI	USD 551,000	USD 1,406,000

-- CLL	USD	340,000	USD	1,042,345
-- Pol/Ec Assistant	USD	40,000	USD	125,000
TOTAL	USD	2,366,000	USD	7,448,174

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